

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. C-3049
on its own motion, to conduct an)
investigation into possible)
solutions for extending the life) ORDER IMPLEMENTING
of area codes 308 and 402.) MANDATORY THOUSANDS BLOCK
) NUMBER POOLING IN THE 402
) AREA CODE
)
)
) Entered: June 27, 2006

BY THE COMMISSION:

On November 13, 2003, the Nebraska Public Service Commission (Commission) opened Application C-3049 to investigate the use of thousands-block number pooling outside of the top 100 Metropolitan Statistical Areas (MSAs) to further extend the life of both 402 and 308 area codes. The Federal Communications Commission (FCC) implemented mandatory thousands-block pooling in the largest 100 MSAs in 2000.¹

In an order issued on March 30, 2004, the Commission sought comments and stated, "It is the stated goal of the Commission to implement thousands-block number pooling and further rate center consolidation in an effort to extend the life of the 308 and 402 area codes in the most efficient and cost effective manner possible."²

On November 23, 2004, the Commission petitioned the FCC for Authority to Implement Additional Number Conservation Measures. The FCC issued an order on February 24, 2006, granting the Commission the requested authority to implement mandatory thousands-block pooling in the 402 Numbering Plan Area (NPA).³

The 402 area code consists of 283 rate centers, 249 of those rate centers are currently designated as optional pooling and 34 are designated as mandatory pooling as they are located in the Omaha MSA, which is one of the top 100 MSAs.

On March 14, 2006, the Commission entered an order

¹ *Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7644-45 (2000) ("First Report and Order").

² See Application No. C-3049, *In the Matter of the Commission, on its own motion, to conduct an investigation into possible solutions for extending the life of area codes 308 and 402*, Order Seeking Comments and Setting Hearing (March 30, 2004).

³ *In the Matter of Numbering Resource Optimization*, Order and Fifth Further Notice of Proposed Rulemaking, CC Docket No. 99-200 (rel. February 24, 2006).

designating 155 of the optional pooling rate centers in the 402 area code served by incumbent local exchange carriers Alltel, Frontier, and Qwest as mandatory pooling.⁴ Twenty-four of the rate centers served by Alltel, Frontier, and Qwest were already designated as mandatory pooling by the Pooling Administrator due to their inclusion in the Omaha MSA. With the entry of the March 14, 2006 Order, all 179 rate centers serviced by Alltel, Frontier, and Qwest were designated as mandatory pooling. As of the date of this order, only 94 rate centers remain in the 402 area code that are not designated as mandatory pooling.

The Commission held a hearing on June 1, 2006 and sought comments on the prospect of designating all rate centers in the 402 area code as mandatory and a proposed implementation schedule for mandatory pooling of the remaining 94 rate centers. Comments and testimony were received from representatives of the members of the Rural Independent Companies with exchanges located within the 402 area code (RIC-402)⁵, Qwest Communications, Inc., Viaero Wireless, and Sprint Nextel Corporation. No party submitted comments or testified against designating all of the rate centers in the 402 area code as mandatory pooling. Further, no party submitted an alternative implementation schedule or testified against the proposed November 1, 2006 implementation date.

O P I N I O N S A N D F I N D I N G S

We find that designating all rates centers in the 402 area code as mandatory pooling is a necessary and prudent course of action for this Commission to take to extend the life of the 402 area code. The Commission should avail itself of the authority granted by the FCC to designate rate centers in the 402 area code as mandatory and implement thousands-block number pooling. Such action will prevent carriers needing numbering resources from obtaining them at the full code level of 10,000 numbers. Carriers will, instead, receive numbering resources at the thousands-block level, thereby conserving numbering resources in the 402 area code.

⁴ See Application No. C-3049, *In the Matter of the Commission, on its own motion, to conduct an investigation into possible solutions for extending the life of area codes 308 and 402*, Order Implementing Mandatory Thousands Block Number Pooling in Certain Rate Centers of the 402 Area Code and Setting a Hearing (March 14, 2006).

⁵ RIC-402 is composed of the following companies: Arlington Telephone Company, Blair Telephone Company, Clarks Telephone Co., Eastern Nebraska Telephone Company, Great Plains Communications, Inc., Hamilton Telephone Company, Hartington Telecommunications Co., Inc., K & M Telephone Company, Inc., Northeast Nebraska Telephone Company, Rock County Telephone Company, Stanton Telephone Co., Inc., and Three River Telco.

In our opinion the impact of changing the pooling classification from optional to mandatory on all carriers in the 402 area code rate centers will be minimal. No carrier or their representative that participated in the hearing raised concerns with implementing mandatory pooling. The Commission is aware that there will be an impact felt by the carriers in designating all rate centers in the 402 area code as mandatory; however, we find that the benefit to consumers of conserving numbering resources in the 402 area code will far outweigh any initial impact on the carriers. Therefore, the Commission finds that all rate centers in the 402 NPA should be designated as mandatory thousands-block pooling.

In Progression Order #1 issued on May 10, 2006, the Hearing Officer proposed a schedule for implementation of mandatory thousands-block number pooling for the remaining 94 rate centers currently designated as optional. The proposed schedule of implementation of pooling was as follows:

<u>Date</u>	<u>Event</u>
August 15, 2006	Deadline to request a waiver of mandatory implementation date
September 25, 2006	Forecast Report Date - Deadline for Service Providers (SP) to report their forecasted thousands-block demand to Pooling Administrator (PA)
September 25, 2006	Block Protection Date - Deadline for SPs to protect specified thousands-blocks from further contamination
September 25, 2006	Block Donation Identification Date - Deadline for SPs to report their surplus/deficiency of thousands-blocks to the PA, Begin Intra-Service Provider Porting
October 9, 2006	PA Assessment of Industry Inventory Surplus/Deficiency Posted on PA website

October 25, 2006

Block Donation Date -
Deadline for SPs to donate
their thousands-blocks to the
PA, End Intra-Service
Provider Porting

November 1, 2006

Mandated Implementation Date
Pool Start/Allocation Date -
Date SPs can begin requesting
thousands-blocks from PA

No party offered an alternative implementation schedule and with the exception of two of the carriers represented in the RIC-402, all carriers indicated they could implement pooling in accordance with the schedule proposed by the Hearing Officer. Two RIC-402 carriers indicated they could not meet the proposed November 1, 2006 deadline for pooling, they are Northeast Nebraska Telephone Co. (Northeast) and Great Plains Communications, Inc. (Great Plains).

Northeast and Great Plains submitted testimony at the hearing that they are currently in the process of replacing switch platforms in their exchanges. Although some of these switch replacements will be completed in time for the implementation of number pooling by November 1, 2006, not all of their exchanges will be completed. Nineteen of Great Plains rate centers can meet the November 1, 2006 deadline for thousands-block pooling. Great Plains further requested that the Commission waive the November 1, 2006 deadline for the remaining 14 rates centers and allow those rate centers to implement thousands-block pooling concurrently with scheduled switch replacements in those rate centers. Great Plains filed a switch replacement schedule as confidential information under the protective order. Great Plains proposes to have thousands-block number pooling implemented in all its exchanges in the 402 area code by March 31, 2008.

Similarly, Northeast requested a waiver of the November 1, 2006 implementation deadline and submitted a schedule of its plans to replace its switch platform confidentially under the protective order in this proceeding. Northeast requests the Commission to allow them to comply with mandatory pooling concurrently to the replacing of its switch platforms. The schedule submitted by Northeast proposes thousands-block number pooling implemented in all Northeast exchanges in the 402 area code by December 31, 2006

The Commission finds that the proposed implementation schedule of thousands-block number pooling in the remaining rate centers in the 402 area code not currently designated as mandatory should be adopted. Further, the Commission finds that Northeast and Great Plains should be granted their requested waivers and should implement thousands-block numbering pursuant to the schedule set forth in the confidential attachments to the testimony of the representative of the Rural Independent Companies. Additionally, should Great Plains or Northeast require numbering resources before either carrier is one-hundred percent implemented in thousands-block numbering, that carrier shall request written verification from the Commission of their waiver. The carriers must present the verification from the Commission to the PA and the North American Numbering Plan Administrator (NANPA) before the resources will be released.

Finally, we find that any carrier requesting a waiver of more than ninety (90) days beyond the implementation deadline of November 1, 2006, shall report to the Commission on the progress of any upgrades needed to implement thousands-block number pooling quarterly until full compliance with mandatory pooling is met. The first report shall be due on April 1, 2007.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that all rate centers in the 402 area be and hereby are designated as mandatory thousands-block pooling.

IT IS FURTHER ORDERED that the implementation schedule, as outlined above, for mandatory thousands-block numbering in the remaining rate centers designated as optional as of the date of this order, be and is hereby adopted.

IT IS FURTHER ORDERED that the waivers of the November 1, implementation deadline requested by Northeast Nebraska Telephone Co. and Great Plains Communications, Inc., be and are hereby granted.

IT IS FURTHER ORDERED that Northeast Nebraska Telephone Co. and Great Plains Communications, Inc. complete the implementation of thousands-block number pooling in accordance with the schedule set forth in the confidential attachments to the testimony of the representative of the Rural Independent Companies.

IT IS FINALLY ORDERED that any carrier granted a waiver of more than ninety (90) days beyond the implementation deadline of November 1, 2006, shall report to the Commission on the progress of any upgrades needed to implement thousands-block number pooling quarterly until full compliance with mandatory pooling is met. The first report shall be due on **April 1, 2007**.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of June, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director